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10/775,879

02/10/2004

Kazuji Shibata

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EXAMINER

FORD, JOHN K

ART UNIT

PAPER NUMBER

3744

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

12/29/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/775,879

Applicant(s)

SHIBATA ET AL.

Examiner

John K. Ford

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/11/06
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/10/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Applicant's election, without traverse, of the switching door of Figures 1-5, claims 1-4, 6 and 7 being identified as readable, is acknowledged. Claim 5 is withdrawn at this time. The election requirement is deemed proper and made final.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

While claim 1 appears to be directed to the air-conditioner per se, it is clear to the examiner that much of the novelty and unobviousness resides in the orientation of the rear face inlet 25 and foot inlet 28 in "transverse alignment." The examiner understands this "transverse" direction to be oriented at right angles relative to a longitudinal (i.e. front-to-back) orientation of the vehicle axis by disclosure, however the claims do not positively set forth the vehicle or the orientation of the transverse direction with sufficient specificity. The examiner would suggest that claim 1, line 1 be amended to read - - A combined automotive vehicle and air conditioning system comprising an - - in place of "An automotive air conditioning system having an" in addition to setting forth positively what direction constitutes the "transverse" direction in the vehicle.

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As well, many of the terms used in claim 6 find no antecedent basis in claim 1. After some consideration it appears that claim 6 should have been dependent on claim 2 (where the language in question does find proper antecedent basis). It is believed that this may have been a simple typographical error.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 11-235916 (note that JP '916 has a US equivalent, Nakamura et al, USP 6,244,335) and Aoki et al (USP 6,871,696).

Applicant's explanation of prior art JP '916 is incorporated by reference here and is reproduced below:

[0004] The applicant of this patent application has filed a patent application for an automotive air conditioning system as described above, which has been published as JP-A-11-235916. The automotive air conditioning system in which the rear-face duct and the rear foot duct are provided, is intended to be small in size and the rear face duct and the rear foot duct are disposed in such a manner as to overlap each other in a longitudinal direction of the vehicle somewhere along the length of a downwardly extending portion of each of the ducts.

[0005] Then, the foot-duct is caused to branch into a right-hand side duct portion and a left-hand side duct portion at an intermediate location along an air downstream side of the foot-duct, and a space produced by so branching the foot duct, that is, a dead space has been found useful for the rear face duct to be disposed therein in such a manner that the rear face duct is bent toward

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the front of the vehicle so as to enter the dead space, whereby the longitudinal size of the air conditioning unit can be decreased.

[0006] In the conventional automotive air conditioning system, however, a rear face inlet port and a foot inlet port are disposed in such a manner as to overlap each other vertically somewhere along the length of each of the ports in a transverse direction of the vehicle, and moreover, the rear face duct and the rear foot duct are disposed in such a manner as to overlap each other in the longitudinal direction of the vehicle somewhere along the length of the downwardly extending portion of each of the ducts. Due to this construction, there remains a problem that the length (size) of the air conditioning unit cannot be decreased vertically and longitudinally at those overlapping portions.

Aoki teaches in Figures 2A and 2B (particularly clearly in the latter) placing the discharges 11 and 12 (on each side of discharge 11) next to one another, at upper portion of the air conditioner casing, in the transverse direction of the vehicle.

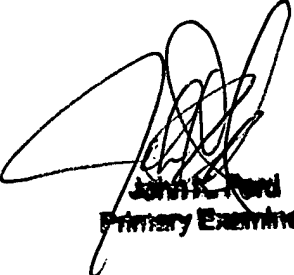
To have oriented the rear face duct connection and rear foot duct connection of JP '916 in a transverse direction from one another as taught by Aoki in Figures 2A and 2B (particularly clearly in the latter) placing the discharges 11 and 12 (on each side of discharge 11) next to one another, at upper portion of the air conditioner casing, in the transverse direction of the vehicle would have been obvious to one of ordinary skill in the art to advantageously make the unit more compact in the front-to-back direction of the vehicle.

Claims 2, 3, 4, 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John K. Ford
Primary Examiner